

Exhibit B



Resume of Michael Avery

PERSONAL INFORMATION:

Born: December 5, 1944, Chicago, Illinois

EDUCATION:

Yale College, B.A. 1966, magna cum laude,
Phi Beta Kappa, High Honors in Politics and
Economics

Yale Law School, LL.B. 1970

University of Moscow, Special Student, 1968-1969

Bennington College, M.F.A., 2017

PROFESSIONAL EMPLOYMENT:

Professor Emeritus, Suffolk University Law School,
Boston, Mass., Professor of Law (1998 – 2014):
Constitutional Law, Comparative Constitutional
Law, Marshall-Brennan Constitutional Literacy
Project, Freedom of Expression, Individual Rights,
Voting Rights, Evidence, Scientific Evidence, Civil
Procedure, Introduction to U.S. Law and Methods
(for foreign LL.M. students).

Director, Civil Litigation Concentration, Suffolk
University Law School (1999 – 2014).

Partner, Perkins, Smith & Cohen, Boston, Mass.
(1996 – 1998); General litigation, with an emphasis
on complex civil litigation, civil rights, criminal
defense, and personal injury.

Law Offices of Michael Avery, Boston, Mass. (1989 - 1995); Partner, Avery & Friedman, Boston, Mass. (1984-1989); Law Offices of Michael Avery, Boston, Mass. (1977-1984).

Partner, Williams, Avery & Wynn and Roraback, Williams & Avery, New Haven, Connecticut (1971-1977).

Special Staff counsel, ACLU Foundation (1970-1971).

OTHER TEACHING
EXPERIENCE:

Visiting Professor, Stetson Law School, fall 2017, Evidence

Adjunct Professor, Boston College Law School, 1989, 1991: Evidence.

Visiting Professor, Georgia State University Law School, October, 1988; November, 1989.

Adjunct Professor, Northeastern Law School. 1977-1986: Family Law, Civil Trial Practice, Bill of Rights, Evidence.

Political Justice Workshop, Yale Law School, with Professor Thomas I. Emerson (clinical civil rights course), 1972-1975.

Undergraduate seminar, "Police and Police Conduct," Yale College, 1974.

Kaplan Bar Review, 2009 – 2014: Evidence.

PUBLICATIONS:

The Federalist Society: How Conservatives Took the Law Back from Liberals, Michael Avery and Danielle McLaughlin, Vanderbilt University Press, 2013.

We Dissent, Talking Back to the Rehnquist Court, New York University Press, 2009 (editor and contributing author, collection of essays regarding civil liberties and civil rights decisions of the Rehnquist Court).

Police Misconduct: Law and Litigation (West Group), Avery, Rudovsky, Blum, and Laurin (2017-2018 Edition is most recent, have co-authored this treatise since 1978).

Handbook of Massachusetts Evidence (Wolters Kluwer), Brodin and Avery (2018 Edition is most recent, have co-authored this treatise since 1986)

Glannon Guide to Evidence (Wolters Kluwer, 2015)

Pro Se Dissolution of Marriage Handbook (Connecticut) (Cobblesmith, 1981) Avery, Polan and Eldrich.

“From the Folks Who Brought You Brett Kavanaugh: A Fight to Block Wildlife Protection in Tammany,”
thelensnola.org, September 28, 2018

“Do Black Lives Matter in the Supreme Court,”
Criminal Legal News, July, 2018

“Video: A Two-Edged Sword,”
Criminal Legal News, April, 2018

“Soviet Stories: Socialism and Personal Liberty,”
Louisiana Literature 34.2 (2017)

Book Review: *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, by Heather Ann Thompson
National Lawyers Guild Review, Spring 2017

“Federal Judges Often Let Bad Cops Slide,”
The Baltimore Sun, July 22, 2016

“Let’s Talk About Democratic Socialism,” Michael Avery and Heidi Boghosian,
The Baltimore Sun, March 9, 2016

“Case Against New Orleans Laborer Shows a Secretive ICE, Lacking Accountability,”
thelensnola.org, July 2, 2015

“Understanding the Supreme Court Argument on Same-Sex Marriage,”
Truth-out.org, April 28, 2015

“Do the Americans with Disabilities and Civil Rights Acts Apply to Police Operations,”
Truth-out.org, March 6, 2015

“Don’t Expect a Safe, Humane Orleans Parish Prison Any Time Soon, Here’s Why,”
thelensnola.org, April 2, 2014

“Boston Bombing Trial Could Cause More Trauma,”
Boston Herald, November 28, 2014

“Definition of Liberty is at Stake in Marriage Equality Cases,”
Truth-out.org, May 10, 2013

“How Conservatives Captured the Law,”
Michael Avery and Danielle McLaughlin
Chronicle Review, April 19, 2013 (cover story),

“Obstacles to Litigating Civil Claims for Wrongful Conviction: An Overview,”
18 Boston U. Pub. Int. L.J. 439 (Spring, 2009).

“The Constitutionality of Warrantless Electronic Surveillance of Suspected Foreign Threats To The National Security of the United States,”
62 Miami L. Rev. 541, (Spring, 2008).

“Book Review, The Rise Of The Conservative Legal Movement, By Steven M. Teles,” Suffolk Law Journal (Winter, 2008).

“Prejudice vs. Probative Value, *Philadelphia Style*,”
50 St. Louis U. L. J. 1147 (Summer, 2006).

“Paying for Silence: The Liability of Police Officers under Section 1983 for Suppressing Exculpatory Evidence,”

13 Temple Political and Civil Rights Law Review 1 (Fall, 2003).

“You Have a *Right* to Remain Silent,”

30 Fordham Urban L. J. 571 (January, 2003).

“Unreasonable Seizures of Unreasonable People,”

34 Col. Human Rts. L. Rev. 261 (Spring, 2003).

“Landry v. Attorney General: DNA Databanks Hold a Mortgage on Privacy Rights,”

Boston Bar J., Jan/Feb 2000.

Annual Bill Homans Memorial Lecture, Supreme Judicial Court Historical Society, Evidentiary Privileges.

Published in the Spring, 2000 Proceedings of the Society.

“Evidence – Victim’s Privileges,”

Nat’l. L.J., September 11, 2000.

“High Speed Chases: More Deadly than a Speeding Bullet?”

Trial Magazine, December, 1997.

Numerous outlines and handouts for CLE seminars.

RECENT LECTURES AND PRESENTATIONS:

“Recent Cases of Note from the Supreme Court and the Courts of Appeals,” National Police Accountability Project CLE, Spring, 2018

Panel, “Scientific Evidence and the Confrontation Clause,” Drexel Law School, Oct. 10, 2014

Panel, “Advocacy Outside the Courtroom, Community Lawyering,” Stetson Trial Advocacy Conference, May 21, 2014

Policing in Trying Times, “Deadly Force, ‘Split-Second’ Decision Making & Qualified Immunity,” Suffolk Law School, Nov. 8, 2013

National Lawyers Guild Convention, National Police Accountability Project CLE, “Wrongful Convictions,” Oct. 24, 2013

Drexel Law School and Temple Law School, book talks, “The Federalist Society: How Conservatives Took the Law Back from Liberals,” Oct. 3, 2013

Dean’s Book Series, Albany Law School, “The Federalist Society: How Conservatives Took the Law Back from Liberals,” Sept. 26, 2013

U. of Pittsburgh Law School, book talk, “The Federalist Society: How Conservatives Took the Law Back from Liberals,” Sept. 19, 2013

Social Law Library, Boston, book talk, “The Federalist Society: How Conservatives Took the Law Back from Liberals,” June 12, 2013

Chaired and lectured at Advanced Legal Studies program on forensic science and the Confrontation Clause, Suffolk Law School, Apr. 25, 2013.

Moderated panel at *Goodridge* and *Lawrence* Conference, Suffolk Law School, Apr. 5, 2013.

Chaired panel on *Citizens United*, New England First Amendment Coalition, Suffolk Law School, Feb. 4, 2013.

Keynote Speaker, Annual Dinner, Michigan National Lawyers Guild chapter, Feb. 1, 2013.

Panel member, joint CLE program, National Police Accountability Project and National Immigration Project, Miami, Jan. 11, 2013.

“Charla con Michael Avery,” a presentation on the U.S. Supreme Court at the firm of Brons & Salas in Buenos Aires, Argentina, May 15, 2012.

Advanced Legal Studies program on the Roberts Court, panel member, Suffolk Law School, September 28, 2012.

“Preparing for and Making an Oral Argument,” Appellate Advocacy CLE, Boston Social Law Library, October 18, 2011

“Atticus Finch”
Ipswich Public Library
March 30, 2011

“Bringing Wrongful Prosecution Damages Claims,” Litigation under 42 U.S.C. § 1983, Institute of Continuing Legal Education in Georgia, January 12, 2011

Nov. 23, 2010, “Atticus Finch: Should He Be Celebrated Or Criticized?” Massachusetts Supreme Judicial Court Historical Society. Panel member with Hon. John M. Greaney (retired Justice); Dean Camille A. Nelson, Suffolk Law School.

REPRESENTATIVE
REPORTED CASES:

Pleading requirements in cases
under 42 U.S.C. §1983.
Gomez v. Toledo, 446 U.S. 635 (1980).

Absolute immunity and qualified
immunity under 42 U.S.C. §1983.
Mitchell v. Forsyth, 472 U.S. 511 (1985).

Wrongful Conviction. FBI Misconduct.
Limone v. Condon, 372 F.3d 39 (1st Cir. 2004),
judgment entered in Limone v. United States, 497
F.Supp. 2d 143 (D.Mass. 2007) (total recovery for
all plaintiffs in excess of \$101,000,000), aff'd. on
appeal, Limone v. United States, 579 F.3d 79 (1st
Cir. 2009).

Standards for affirming libel judgments in favor of
public officials.

Murphy v. Boston Herald, 449 Mass. 42 (2007).

Executive Compensation/Termination.
Fenoglio v. Augat Inc., 254 F.3d 368 (1st Cir. 2001).

High Speed Police Pursuits,
Evans v. Avery, 100 F.3d 1033 (1st Cir. 1996).

Racially motivated police misconduct.
Hall v. Ochs, 817 F.2d 920 (1st Cir. 1987).

Rights of prisoners.
Furtado v. Bishop, 604 F.2d 80 (1st Cir. 1979);
Paka v. Manson, 387 F.Supp. 111 (D.Conn. 1974);
Seale v. Manson, 326 F.Supp. 1375 (D.Conn.
1971).

Judicial Misconduct.
Kuczynski v. Alfano, 402 Mass. 1001 (1988).

Prosecutorial Misconduct.
Jordan v. Sinsheimer, 403 Mass. 586 (1988);
United States v. Kattar, 840 F.2d 118 (1st Cir.
1988).

Search and Seizure.
Adedeji v. United States, 782 F. Supp. 688 (D.
Mass. 1992) (damages for border strip search);
United States v. Hensel, 699 F.2d 18 (1st Cir.
1983).

Newly discovered evidence.
Commonwealth v. Johnson, 13 Mass. App. Ct. 10
(1982) (prisoner previously sentenced to death,
freed after ten years in prison).

Double Jeopardy.

Berry v. Commonwealth, 473 N.E.2d 1115 (Mass. 1985).

Federal grand jury witnesses.

In re: Grusse and Turgeon, 402 F.Supp. 1232 (D.Conn. 1975), 515 F.2d 157 (2d Cir. 1975), 402 F.Supp. 1239 (D.Conn. 1975), also chronicled by Richard Harris, The New Yorker, April 5, 12, 19, 1976, and Freedom Spent (Little Brown & Co. 1976).

Workers' Compensation. Establishing dual persona doctrine in Massachusetts.

Gurry v. Cumberland Farms, Inc., 406 Mass. 615 (1990).

Counsel for high school students in New Haven, Connecticut. First time a funded inter-scholastic athletic program was ordered for women. Wright v. City of New Haven, unreported due to consent decree, discussed in Babcock, et al. Sex Discrimination and the Law: Causes and Remedies, p. 1031 (Little Brown, 1975).

COURT ADMISSIONS:

Massachusetts and Connecticut State Courts,
United States District Courts, Mass. and Conn.
United States Courts of Appeals, First, Second,
Fourth and Ninth Circuits
United States Supreme Court

OTHER:

Member, Board of Governors, Society of American Law Teachers (SALT), 2010 – 2013.

Member, American Constitution Society

President, National Lawyers Guild, 2003 – 2006.

Founder, Former President, Current Vice-President,
Board of Directors, National Lawyers Guild
National Police Accountability Project.

Co-chair, Massachusetts Chapter, National Lawyers Guild, 1996 to 1998.

Cooperating Attorney, Center for Constitutional Rights, New York, 1980 - 1998.

Board Member, Civil Liberties Union of Massachusetts, 1983-1986.

General Counsel, Civil Liberties Union of Massachusetts, 1978-1981.

Chairperson, Civil Liberties Committee, National Lawyers Guild, 1977-1980.

National Council Member, Emergency Civil Liberties Committee, 1976-1979.

October 10, 2018